

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

RECEIVED

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DAVID FREEMAN

Petitioner,

v.

DONAL CAMPBELL, Commissioner,
Alabama Department of Corrections,

Respondent.

) Civil Action No. 2006 FEB -8 11:31

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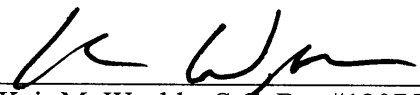
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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.
MOTION FOR LEAVE TO
PROCEED *IN FORMA PAUPERIS*

Petitioner, David Freeman, respectfully moves this Court for leave to proceed herein *in forma pauperis*, in accordance with the provisions of 28 U.S.C. §1915. He has been authorized to proceed in this manner in all prior proceedings before the courts of the State of Alabama. The affidavit of petitioner in support of this motion, and a certificate from prison authorities describing petitioner's monetary holdings, are attached hereto.

Respectfully submitted,



Keir M. Weyble, S.C. Bar #12075

Blume & Weyble, LLC
P.O. Box 11744
Columbia, SC 29211
(803) 765-1044

February 7, 2006.

CERTIFICATE OF SERVICE

I certify that on February 7, 2006, I served the Motion for Leave to Proceed *In Forma Pauperis* in this action on opposing counsel by depositing a copy of same in the United States Mail, first class postage paid, addressed as follows:

Clay Crenshaw
Office of the Attorney General
Alabama State House
11 South Union Street
Montgomery, AL 36130



KEIR M. WEYBLE

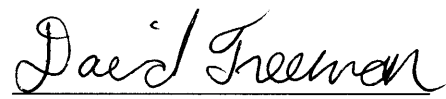
February 7, 2006

**AFFIDAVIT IN SUPPORT OF
MOTION TO PROCEED *IN FORMA PAUPERIS***

I, David Freeman, being first duly sworn, state the following: I am the petitioner in this action. Because of my poverty, I am unable to pay fees or costs, or give security for this proceeding. I believe I am entitled to redress. I swear that the statements below are true.

1. I am presently incarcerated at the Holman State Prison, in Escambia County, Alabama, under sentence of death.
2. I am not employed. I have not been employed since I have been incarcerated.
3. I have not received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends or other source.
4. The sum total of any cash or savings in my prison account is reflected on the attached account statement.
5. I currently own no real estate, stocks, bonds, notes, automobiles, or other valuable property.
6. There are no persons who depend on me for support at this time.

I understand that a false statement in this affidavit will subject me to penalties for perjury.


David Freeman, Z-506

Subscribed to and sworn to before me this

the 31 day of JANUARY, 2006


Notary Public

My commission expires on: 7/17/08

PRISON CERTIFICATE

I certify that David Freeman, Z-506, has the sum of \$ 2.⁰⁸ on account to his credit at Holman Prison in Atmore, Alabama, where he is confined. I further certify that Mr. Freeman has had the following funds on deposit here for the previous twelve months:

December 2005	<u>115.⁰⁰</u>
November 2005	<u>85.⁰⁰</u>
October 2005	<u>85.⁰⁰</u>
September 2005	<u>20.⁰⁰</u>
August 2005	<u>20.⁰⁰</u>
July 2005	<u>212.⁰⁰</u>
June 2005	<u>25.⁰⁰</u>
May 2005	<u>110.⁰⁰</u>
April 2005	<u>20.⁰⁰</u>
March 2005	<u>20.⁰⁰</u>
February 2005	<u>110.⁰⁰</u>
January 2005	<u>N/A</u>
December 2004	<u>N/A</u>

1/31/06
DATE


AUTHORIZED OFFICER OF INSTITUTION

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
HOLMAN CORRECTIONAL FACILITY

AIS #: 00Z506

NAME: FREEMAN, DAVID

AS OF: 01/31/2006

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
FEB	28	\$27.00	\$110.00
MAR	31	\$12.55	\$20.00
APR	30	\$3.44	\$20.00
MAY	31	\$20.05	\$110.00
JUN	30	\$5.91	\$25.00
JUL	31	\$54.89	\$212.00
AUG	31	\$44.04	\$20.00
SEP	30	\$3.25	\$20.00
OCT	31	\$14.27	\$85.00
NOV	30	\$21.45	\$85.00
DEC	31	\$31.99	\$115.00
JAN	31	\$21.14	\$40.00